

# Declaration, Power of Attorney and Petition

Page 1 of 3  
0000053765

Customer No.

We (I), the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

☐ is attached hereto.

☐ was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and amended on \_\_\_\_\_

☒ was filed as PCT international application

Number PCT/EP/03/07589

on 14 July 2003,

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

| Application No. | Country | Day/Month/Year | Priority Claimed  |
|-----------------|---------|----------------|---|
| 10233327.0      | Germany | 22 July 2002   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

We (I) hereby claim the benefit under Title 35, United States Codes, § 119(e) of any United States provisional application(s) listed below.

|                               |                        |
|-------------------------------|------------------------|
| _____<br>(Application Number) | _____<br>(Filing Date) |
| _____<br>(Application Number) | _____<br>(Filing Date) |

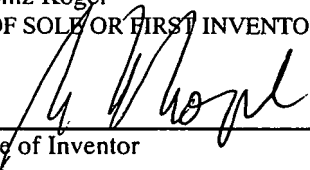
We (I) hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| Application Serial No. | Filing Date | Status (pending, patented,<br>abandoned) |
|------------------------|-------------|--|
| _____                  | _____       | _____                                    |
| _____                  | _____       | _____                                    |
| _____                  | _____       | _____                                    |

And we (I) hereby appoint **MORRISON & FOERSTER LLP**, 1650 TYSONS BOULEVARD, SUITE 300, McLEAN, VIRGINIA 22102-3915 (telephone 703-760-7728), our attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to sign the drawings, to receive the patent, and to transact all business in the Patent Office connected therewith.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Karl-Heinz Kogel  
NAME OF SOLE OR FIRST INVENTOR


  
\_\_\_\_\_  
Signature of Inventor

Date **30. Juli 2003**

Residence:  
Berggartenstr. 7  
35457 Lollar  
Germany  
Citizen of Germany  
Post Office Address: same as residence

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Ralph Hückelhoven  
NAME OF SECOND JOINT INVENTOR

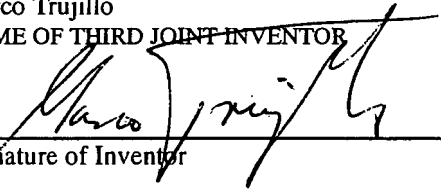
  
\_\_\_\_\_  
Signature of Inventor

Date **30. Juli 2003**

Residence:  
Glaubrechtstr. 12  
35392 Gießen  
Germany  
Citizen of Germany  
Post Office Address: same as residence

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Marco Trujillo  
NAME OF THIRD JOINT INVENTOR

  
\_\_\_\_\_  
Signature of Inventor

Date **30. Juli 2003**

Residence:  
Heegstrauch Weg 10  
35394 Gießen  
Germany  
Citizen of Germany  
Post Office Address: same as residence

# **RECORDATION FORM COVER SHEET** **PATENTS ONLY**

Patent and Trademark Office  
Docket No.532622010500

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Karl-Heinz KOGEL  
Ralph HÜCKELHOVEN  
Marco TRUJILLO

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment

☐ Security Agreement

☐ Other:

☐ Merger

☐ Change of Name

Execution Date: July 30, 2003, July 30, 2003, July 30, 2003

## 2. Name and address of receiving party(ies):

BASF Plant Science GmbH  
Carl-Bosch-Straße 38  
67056 Ludwigshafen  
Germany

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: July 30, 2003

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Barry E. Bretschneider, Reg. No. 28,055  
Morrison & Foerster LLP  
1650 Tysons Boulevard, Suite 300  
McLean, Virginia 22102

## 6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

☐ Enclosed

☒ Authorized to be charged to deposit account,  
Referencing Attorney Docket:532622010500

8. Deposit account number: 03-1952

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.21 that may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1952.

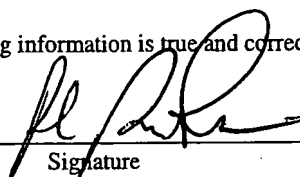
**DO NOT USE THIS SPACE**

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Barry E. Bretschneider, Reg. No. 28,055

Name of Person Signing

  
Signature

January 24, 2005

Date

Total number of pages comprising cover sheet, attachments and document: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

## Assignment of Application

0000053765

WHEREAS, I (WE)

*Karl-Heinz Kogel, Berggartenstr. 7, 35457 Lollar, Germany*

*Citizen of Germany*

*Ralph Hückelhoven, Glaubrechtstr. 12, 35392 Gießen, Germany*

*Citizen of Germany*

*Marco Trujillo, Heegstrauch Weg 10, 35394 Gießen, Germany*

*Citizen of Germany*

respectively, have invented certain new and useful improvements in

for which an application for Letters Patent was executed on

(Application No.

, filed

), and

WHEREAS, *BASF Plant Science GmbH* (hereinafter referred to as "ASSIGNEE"), having a place of business at *67056 Ludwigshafen, Germany*, is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefore in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00), the receipt whereof is hereby acknowledged, and for other good and valuable consideration, I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof.

I (WE) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

FURTHER, I (WE) agree that I (WE) will communicate to said ASSIGNEE, or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its (his) successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant(s) the firm of **MORRISON & FOERSTER LLP**, 1650 TYSONS BOULEVARD, SUITE 300, McLEAN, VIRGINIA 22102-3915, the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

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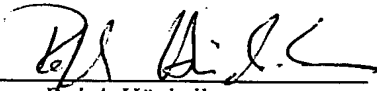
Date: 30. Juli 2003

Signature of Inventor: \_\_\_\_\_

  
Karl-Heinz Kogel

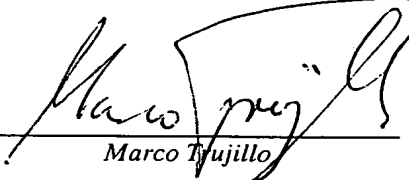
Date: 30. Juli 2003

Signature of Inventor: \_\_\_\_\_

  
Ralph Hückelhoven

Date: 30. Juli 2003

Signature of Inventor: \_\_\_\_\_

  
Marco Trujillo